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JUL 06 2005

OFFICE OF PETITIONS

In re Application of
Jose Gutierrez-Rocca et al.
Application No. 10/086,059
Filed: February 27, 2002
Attorney Docket No. 540591-7095.1

ON PETITION

This is a decision on the petition under 37 CFR 1.137(b), filed April 18, 2005, to revive the above identified application.

The petition is **GRANTED**.

This application became abandoned for failure to timely reply to the Final Office Action mailed April 16, 2004. A shortened statutory period of three months was set for replying Final Office Action. No extensions of time having been filed, the application became abandoned July 17, 2004. The instant petition and this decision on petition precede the mailing of the Notice of Abandonment.

Petitioner files the instant petition and request for continued examination under 37 CFR 1.137(b).¹

¹Effective December 1, 1997, the provisions of 37 CFR 1.137(b) now provide that where the delay in reply was unintentional, a petition may be filed to revive an abandoned application or a lapsed patent pursuant to 37 CFR 1.137(b). A grantable petition filed under the provisions of 37 CFR 1.137(b) must be accompanied by:

(1) the required reply, unless previously filed. In a nonprovisional application abandoned for failure to prosecute, the required reply may be met by the filing of a continuing application. In an application or patent, abandoned or lapsed for failure to pay the issue fee or any portion thereof, the required reply must be the payment of the issue fee or any outstanding balance thereof.

(2) the petition fee as set forth in 37 CFR 1.17(m);

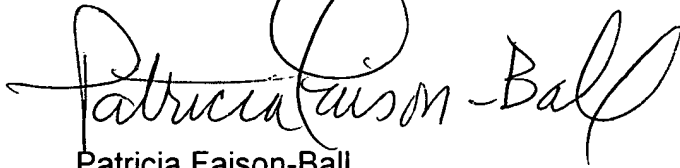
(3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional. The Commissioner may require additional information where there is a question whether the delay was unintentional; and

(4) any terminal disclaimer (and fee as set forth in 37 CFR 1.20(d)) required pursuant to 37 CFR 1.137(c)).

In response to the Final Office Action mailed April 18, 2005, petitioner has submitted a Request for Continued Examination (RCE) and an amendment as the submission required under 37 CFR 1.114.

This matter is being referred to Technology Center 1617 for processing of the RCE and submission.

Telephone inquiries related to this decision should be directed to the undersigned Petitions Attorney at (571) 272-3212.

A handwritten signature in black ink, reading "Patricia Faison-Ball". The signature is fluid and cursive, with the first name "Patricia" being the most prominent.

Patricia Faison-Ball
Senior Petitions Attorney
Office of Petitions